

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

MICROSOFT CORPORATION,)	CASE NO. 1:10-CV-01161
)	
Plaintiff)	JUDGE CHRISTOPHER A. BOYKO
)	
v.)	<u>PLAINTIFF MICROSOFT'S</u>
)	<u>MOTION TO STRIKE DEFENDANTS'</u>
DELTA COMPUTERS, INC., et al.,)	<u>TWELFTH AND TWENTY-FIRST</u>
)	<u>AFFIRMATIVE DEFENSES</u>
Defendants)	

Plaintiff Microsoft Corporation, pursuant to Fed.R.Civ.P. 12(f), hereby moves to strike the Twelfth and Twenty-First Affirmative Defenses in the Answer filed by Defendants Delta Computers, Inc., an Ohio corporation, also known as Delta Computer, Inc. and Dimitrios Gountis, an individual (collectively, "Defendants").

Defendants have distributed infringing copies of Microsoft software. They cannot shield themselves from liability by asserting copyright misuse and unclean hands defenses. These defenses are not properly pled and are legally insufficient. Thus, they should be stricken without leave to amend.

This motion is based on the attached Memorandum in Support and upon the papers, records and pleadings on file in this action.

A proposed Order is attached.

/s/ Robert E. Chudakoff

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CERTIFICATE OF SERVICE

I hereby certify that on July 7, 2010, the foregoing Plaintiff Microsoft's Motion to Strike Defendants' Twelfth and Twenty-First Affirmative Defenses and the attached Memorandum in Support were electronically filed. Notice of this filing will be sent to counsel of record for all parties by operation of the Court's Electronic Case Filing system. Parties and their counsel may access this filing through the Court's Electronic Case Filing System. Counsel of record include:

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